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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 ANGELA LUGO and ANDREW
11 BRYNILDSON, individually and on behalf
12 of all others similarly situated,

13 Plaintiffs,

14 v.

15 AMAZON.COM, INC.

Defendant.

Case No. 2:22-cv-01230-TL

**STIPULATION RE: SUBSTITUTION OF
DEFENDANT**

Noting Date: November 1, 2022

16 Plaintiffs Angelo Lugo and Andrew Brynildson (“Plaintiff”) and Defendant Amazon.com,
17 Inc. (“Defendant” and together with Plaintiffs, the “Parties”), by and through their respective
18 counsel of record, hereby stipulate and agree as follows:

19 **WHEREAS**, on September 1, 2022, Plaintiffs filed a class action complaint against
20 Defendant, arising out of alleged disclosures of his and other subscribers’ personally identifiable
21 information, including their names, addresses, credit card information, and video rental history in
22 violation of the New York Video Consumer Privacy Act, N.Y. General Business Law (“GBL”) §§
23 670-675 (“NYVCPA”) and Minnesota’s M.S.A. § 325I.01-03 (the “Minnesota Statute”);

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25 **WHEREAS**, on October 17, 2022, the Parties’ counsel engaged in a telephone call
26 whereupon Defendant contended that Amazon.com, Inc. was not a proper defendant, and that its
27 subsidiary Amazon.com Services LLC would be the proper defendant, if any;

1 **WHEREAS**, the Parties wish to stipulate to substitute Amazon.com Services LLC as the
2 Defendant in this action in place of Amazon.com, Inc.;

3 **NOW THEREFORE IT IS HEREBY STIPULATED** by and between the Parties,
4 through their respective counsel that:

- 5 1. Plaintiffs' claims against Amazon.com, Inc. are hereby dismissed without prejudice,
6 subject to the following terms;
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8 2. The caption shall be amended to read as follows:

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10 ANGELA LUGO and ANDREW
11 BRYNILDSON, individually and on behalf
12 of all others similarly situated,

Case No. 2:22-cv-01230-TL

Plaintiffs,

v.

AMAZON.COM SERVICES LLC.,

Defendant.

16 3. Pursuant to Fed. R. Civ. P. 15(c)(1)(C), the substitution of Amazon.com Services
17 LLC for Amazon.com, Inc. shall relate back to the filing of the initial complaint, for all purposes,
18 including the statute of limitations;

19 4. No amended pleadings shall be required to effectuate the substitution of Amazon.com
20 Services LLC for Amazon.com, Inc., and Amazon.com Services LLC waives any requirements for
21 formal service of process in connection with the same;

22 5. The statute of limitations for any and all claims or causes of action, arising out of the
23 facts alleged in the initial complaint, if any, by Plaintiffs against Amazon.com, Inc. shall be tolled
24 from the filing date of this lawsuit until the date this matter is resolved; and

25 6. Plaintiffs reserve the right to file an amended complaint under Rule 15(a)(1)(a) in
26 response to a Motion to Dismiss.

1 Dated: November 1, 2022

Respectfully submitted,

2 **CARSON NOEL PLLC**

3 /s/ Wright A. Noel

4 Wright A. Noel

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**Pro Hac Vice Application Forthcoming*

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15 *Attorneys for Defendant Amazon.com, Inc.*

16 **ORDER REGARDING SUBSTITUTION OF DEFENDANT**

17 Pursuant to stipulation, IT IS SO ORDERED.
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20 Dated this 1st day of November, 2022.
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25 Tana Lin
26 United States District Judge
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